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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SUNCO GROUP INC., :  
Plaintiff, :  
-against- :  
EARTH BIOFUELS, INC., :  
Defendant. :  
-----X

07 Civ. 4776 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

It having been reported to this Court that Defendant will not make payment pursuant to the parties' settlement, the Clerk of Court is directed to reopen the action. A status conference shall take place September 26, 2008 at 10:30 a.m.

Dated: August 22, 2008  
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III  
U.S.D.J.

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